



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Consideration of an uncodified ordinance establishing a 5-MPH speed limit ~~a~~ the Rivergate Homeowners' Association lagoon.

MEETING DATE: August 19, 1992

PREPARED BY: City Attorney

RECOMMENDED ACTION: Council consideration of the attached uncodified ordinance establishing a 5-MPH speed limit on the Rivergate Homeowners' Association lagoon.

BACKGROUND: At its Council meeting of August 5, 1992, a request was made by Mr. Robert Stipe on behalf of the Rivergate Homeowners' Association for the Council to adopt an ordinance establishing a 5-MPH speed limit on the lagoon owned by the Rivergate Homeowners' Association. Under Harbors and Navigation Code Section 660, it is necessary that the city in which a body of water is located formally adopt an ordinance establishing speed limits on bodies of water before such speed limit can be enforced.

The Council recently acted to establish a 5-MPH speed limit on Lodi Lake (Ordinance No. 1553). This matter is slightly different in that it addresses private property, on which the City will probably not have any enforcement capability. As such, the ordinance establishing a 5-MPH speed limit is uncodified, i.e., meaning it will not be placed in the Lodi Municipal Code. This will still allow enforcement by the San Joaquin County Sheriff's Marine Patrol.

FUNDING: None required

Respectfully submitted.

Bob McNatt
City Attorney

BM/vc

APPROVED: _____

MOKRIVER.8/TXTA.01V

THOMAS A. PETERSON
City Manager



recycled paper

ORDINANCE NO. 1554

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
ESTABLISHING A FIVE MILES PER HOUR (5 MPH) SPEED LIMIT
ON PRIVATE PROPERTY DESCRIBED AS THE RIMRGATE HOMEOWNERS'
ASSOCIATION LAGOON. APN 041-290-0026

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

WHEREAS, under California Harbors and Navigation Code Section 880, it is necessary that a public agency in which a body of water lies adopt an ordinance establishing speed limits in order to make such speed limits enforceable; and

WHEREAS, a request has been received from the Rivergate Homeowners' Association for the City Council to adopt an ordinance establishing a five miles per hour (5 MPH) speed limit upon the lagoon owned by the Rivergate Homeowners' Association located within the Rivergate Subdivision on the south bank of the Mokelumne River;

NOW, THEREFORE, BE IT ORDAINED, as follows:

SECTION 1. There is hereby adopted by the Lodi City Council an uncodified ordinance to read as follows:

"It shall be unlawful for any person to operate any boat, vessel or water instrument upon the Rivergate Homeowners' Association Lagoon, San Joaquin County Assessor's Parcel Number 041-290-0026, as shown on a map on file in the office of the Lodi City Clerk, at a speed greater than five miles per hour. The Rivergate

Homeowners' Association shall be responsible for erection of appropriate signs giving notice of such speed limit. (Harbors and Navigation Code Section 660)"

SECTION 2. A copy of this ordinance shall be forwarded to the Department of Boating Safety.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this day of

JAMBS W. PINKERTON, JR.
Mayor

Attest:

ALICE M. REIMCHE
City Clerk

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state of California
county of San Joaquin, ss

I, Alice M. Reirnche, City Clerk of the City of Lodi, do hereby certify that Ordinance NO. 1554 was introduced at a regular meeting of the City Council of the City of Lodi held August 19, 1992 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, 1992 by the following vote

A

Ayes: Council Members -
Noes: Council Members -
Absent: Council Members -
Abstain: Council Members -

I further certify that Ordinance No. 1554 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

BOBBY W. McNATT
City Attorney

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